

REMARKS/ARGUMENTS

This is a response to the Office Action dated March 5, 2009. Claims 1-96 and 107-130 are pending in the present application with claims 1, 39, 66, 96, 107-110, 122, 123 and 127 being independent form. By the present amendment, claims 1, 39, 66, 96, 107-110, 122, 123 and 127 have been amended herein to clarify the features of the present application. Claims 97-106 were previously withdrawn.

Claims 1-26, 29-87, 90-96, and 107-130 remain rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,760,689 to Holmgren. Reconsideration of this rejection is respectfully requested.

Applicant appreciates the courtesy extended by the Examiner to Applicants attorney, Keith J. Barkaus, during the telephone interviews of April 14, 2009. During the interview the claims were discussed in conjunction with the primary Holmgren reference. In particular, the Examiner agreed that the cited art did not appear to show or suggest a lockable container including a locking member where “the locking member is inaccessible from an exterior of the lockable container to a physical contact sufficient to slide the locking member between the locked and unlocked positions, whereby the locking member and the lockable container are operable to restrict tampering with the locking member from the exterior of the lockable container.” Independent claims 1, 39, 66, 96, 107-110, 122, 123 and 127 have been amended herein in order to incorporate this language. The Examiner indicated that upon filing of the present Amendment, he would update his search and, absent identification of any additional prior art, was likely to allow the claims as amended. The Examiner also indicated that he did not believe that it would be necessary to file a Request For Continued Examination.

Amended claim 1 relates to a lockable container for securing an asset therein that includes a first cover, a second cover coupled to the first cover, wherein the first and second covers are configured to move between an open position which allows access to the asset, and a closed position which encloses the asset, a locking mate arrangement operatively coupled to at least one of the first and second covers and a locking member, wherein the locking member is configured to move between an unlocked position in which the first and second covers can move to the open position and a locked position which locks the first and second covers in the closed

position, and wherein the entirety of the locking member is internal to the container in the unlocked position and in the locked position such that the locking member is inaccessible from an exterior of the lockable container to a physical contact sufficient to slide the locking member between the locked and unlocked positions, whereby the locking member and the lockable container are operable to restrict tampering with the locking member from the exterior of the lockable container.

Holmgren fails to disclose such a container. The housing 14 of Holmgren is integral with the lock slide element 13, which the Examiner contends forms a part of the locking member, of claim 1, for example, of the present application. The housing 14 extends out from the container and is intended to be accessed from the exterior of the container specifically allows for the sliding of the locking member between the locked and unlocked positions.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, are patentable over the cited art for at least the reasons described above.

Independent claims 39, 66, 107, 108, 109, 110 and 122, similarly refer to containers, systems and methods for securing, or accessing, an asset. Each of these claims requires that the locking member be inaccessible from an exterior of the lockable container to a physical contact sufficient to slide the locking member between the locked and unlocked positions, whereby the locking member and the lockable container are operable to restrict tampering with the locking member from the exterior of the lockable container. As is noted above, Holmgren fails to disclose this feature.

Accordingly, it is respectfully submitted that claims 39, 66, 107, 108, 109, 110 and 122, and the claims depending therefrom, are also patentable over the cited art for reasons at least similar to those described above with reference to claim 1.

Claim 123 relates to a key arrangement for locking and unlocking a container, while claim 127 relates to a method for locking and unlocking a container. Both of these claims require that the entirety of the locking member is internal to the container in the unlocked position and in the locked position, the locking member inaccessible from an exterior of the lockable container to a physical contact sufficient to slide the locking member between the locked and unlocked positions.

Accordingly, it is respectfully submitted that claims 123 and 127, and the claims depending therefrom, are also patentable for at least reasons similar to those described above.

Independent Claim 96 relates to a lockable container for securing an asset that includes a locking member being arranged entirely within the container such that the locking member is inaccessible from an exterior of the lockable container to a physical contact sufficient to slide the locking member between the locked and unlocked positions. As is noted above, the elements of Holmgren that the Examiner argues correspond to the locking member of the present application do include these features.

Accordingly, it is respectfully submitted that claim 96, and the claims depending therefrom, are patentable over the cited art for at least reasons described above.

Claims 27-28 and 88-89 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Holmgren. Reconsideration of this rejection is respectfully requested.

Claims 27-28 depend indirectly from independent claim 1, and claims 88-89 depend indirectly from independent claim 66. As is noted above, both claims 1 and 66 are believed to be patentable over Holmgren. Further, it is believed that the claims depending from claims 1 and 66, including claims 27-28 and 88-89, respectively, are also patentable over the cited art for reasons at least similar to those described above.

In light of the remarks and amendments made herein, it is respectfully submitted that claims 1-96 and 107-130 of the present application are patentable over the cited art and are condition for allowance.

Favorable reconsideration of the present application is respectfully requested.

Respectfully submitted,

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RCF:KJB

A handwritten signature in black ink, appearing to read "Robert C. Faber", is written over a horizontal line.

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